

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

COCp-1173-2020(O&M)
Date of Decision: 21.07.2020

Rajat & another

--Petitioners

Versus

Anurag Rastogi & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Malik, Advocate for the petitioners.

Mr. Pawan Longia, DAG, Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant contempt petition has been filed alleging willful disobedience and non-compliance of the interim directions passed by the Writ Court vide order dated 28.2.2020 (Annexure P-1).

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that the instant contempt petition is wholly misconceived.

A perusal of the interim order dated 28.2.2020 (Annexure P-1) containing directions that in the meanwhile the petitioners would not be replaced by another set of contractual employees subject to the condition that their work and conduct is satisfactory.

During the course of arguments counsel concedes that petitioner no.1 has till date not been replaced. It is, however, contended that in spite of discharging his duties and responsibilities his salary has not been

released. Even if that be the case it would always be open for petitioner no.1 to file an appropriate application seeking release of the salary in the writ petition which is still pending.

In so far as petitioner no.2 is concerned, counsel has very fairly brought to the notice of this Court that his services had already been dispensed with in the month of September, 2019 itself and by replacing him with another contractual employee.

Under such circumstances, petitioner no.2 cannot claim any protection under the interim order dated 28.2.2020 (Annexure P-1). The alleged action on the part of the State in having replaced petitioner no.2 by another contractual employee would be examined and dealt with in the main writ petition.

No contempt is made out.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2020

lucky	Whether speaking/reasoned:	Yes/No
	Whether Reportable:	Yes/No